

REMARKS

An Office Action was mailed on July 12, 2004. Claims 1-9, 12, 14-18 and 23 were pending in the present application, of which claims 1, 14 and 22 are independent claims.

The Examiner is kindly requested to acknowledge that dependent claim 23 was duly presented in the Response accompanying an RCE filed on May 19, 2004. Furthermore, the disposition of claims 22 and 23 appear unclear as further detailed below.

By the foregoing, claims 1 and 14 are amended, new independent claims 24 and 25 are presented. No new matter is added. All claim amendments are supported by the specification as a whole and the drawings figures.

Claims 1-9, 12, 14-18, and 21 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Claims 1 and 14 have been amended to delete the limitation deemed not be in compliance. The Examiner is respectfully requested to withdraw the rejection for claims 1 and 14 and the claims dependent on these claims.

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 904,673 to Bideker (Bideker).

The applicants have analyzed Bidecker and respectfully submit that Bideker is directed to the nozzle of a fire hose. Fire hoses are operated at extremely high pressures and the configuration of the nozzle. Directing the water at right angles will cause the nozzle to rotate uncontrollably unless the joint is maintained in a tight and non-rotatable configuration whilst water flows through the joint. Thus, the applicants believe it is clear that Bidecker does not describe the joint of the present invention. Bidecker would be unusable if it was able to rotate.

Of particular evidence is that Bidecker has a nut (D) adapted to be tightened with a wrench or other implement providing a mechanical advantage. This combined with the much steeper taper of the joint makes it clear to one skilled in the art that this joint is either leak-proof or rotatable, but clearly not both. Therefore, the Examiner is respectfully requested to withdraw the rejection.

Claims 14-18 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,927,188 to Sands (Sands).

The applicants have analyzed Sands and respectfully submit that Sands is inapplicable to the presently claimed invention. Sands describes a take off for a drum which can accommodate a pipeline. Sands is silent about the formation of a rotatable joint. Into the female thread 64 of the drum is inserted a bung 16 having a male thread 62. The bung 16 is provided with a flange 18 having a hexagonal shape to enable its fixing into the female thread with a tool. The bung 16 has a threaded female bore which extends into the drum and the base of which receives a draw tube 60. Into the top of the threaded cavity is received an externally threaded end that includes an o-ring 52. The threaded end is screwed into the threaded cavity until the desired depth is found and is then locked in position by locking washer 48. The orifice of the locking washer is shaped to mate with the threaded end and prevent relative rotation. The locking washer is prevented from rotation relative to the bung by the radial slots 30 in the wider opening in the top of the bung. In this way the threaded end is prevented from rotation relative to the bung. The take off pipe 14 is locked onto the top of the threaded end. The collar includes lugs for tightening and do not provide for the relative rotation of the joint.

It is clear from the construction of the fitting of Sands that it is to provide a leak proof fitting but certainly not to accommodate any rotation in use. This is also clear from the description in which Sands is silent about rotation and in fact discusses the desirability of being devoid of moving parts; column 1, lines 10 onwards.

The Examiner refers to a cylindrical shaped housing that provides for the rotation of the joint. It is unclear to which element the Examiner refers, but it is assumed that what is being referred to is the bung 16. Applicants respectfully submit that the Examiner also mistakenly refers to the locking washer (which acts to prevent relative rotation) as a thrust washer as being adjacent the housing. Each of the claims that stand rejected under Sands require the presence of a thrust washer. In contrast, Sands teaches a locking washer, which does not thrust against anything. The collar does not necessarily engage the locking washer nor does Sands teach this. It is clear from Sands that any loosening of the collar 66 will result in the joint leaking. Applicants further respectfully submit that it is clear from the size and configuration of the threads that the fine adjustment that would be necessary to provide a rotation and leak proofing would not be possible.

by the structure taught by Sands. Therefore, the Examiner is respectfully requested to withdraw the rejection.

Nevertheless despite the foregoing, new claims 24 and 25 are now provided to advance the application to allowance. As required by claims 24 and 25, a collar is slidably rotatable about a first element (member) and is engaging a second element (member) to positionally adjust the second element (member) in relation to the first element (member) without positionally adjusting the first element (member) in relation to the collar. Advantageously, this limitation permits the tightening of the collar vis-à-vis the second element (member), which may be connected to a showerhead. The inventive structure accomplishes this without positionally adjusting the first element (member) in relation to the collar or in relation to the second element (member). Advantageously while rotating the collar may tighten a loose showerhead, it does not cause the showerhead to rotate about the plumbing accessory outlet, which if it did rotate about the accessory may require the user to readjust the position of the showerhead. The inventive structure accomplishes this because the first and second elements (members) are substantially rotatable relative to each other and the first element (member) is rotatable with respect to the collar.

Neither Bidecker nor Sands teaches, discloses or reasonably suggest this claimed limitation. In Bidecker, using the Examiner's interpretation of the reference, adjustment of the union C would not positionally adjust any other element since lock nut D is required hold union C in place. Page 1, lines 66-67. In Sands, using the Examiner's interpretation of the reference, neither adjustment of collar 66 nor fitting 10 causes the positional adjustment conduit members 14 or 60 nor the relative adjustment of one of those conduit members in relation to the other. Accordingly, the Examiner is requested to pass new independent claims 24 and 25 to allowance.

The disposition of claims 22 and 23 appear unclear. Applicant infers that claim 22 stands rejected under 35 U.S.C. §102(b) as being anticipated by Sands as per pg. 4, line 6 of the Office Action, but in the prior Office Action of November 19, 2003 the Examiner indicated at pg. 5, lines 2-4 allowance of claim 5 if rewritten in independent form. Applicant did so and provided then new claim 22. The Examiner is respectfully requested to advise why the indication for the allowance of the subject matter of claim 5 in independent form is now withdrawn. Applicant

respectfully asserts that claim 22 is patentable over the cited art for the reasons given in the responses to the prior Office Actions.

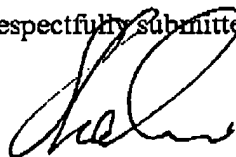
The disposition of claim 23 is unclear. Applicant respectfully asserts that claim 23 is patentable over the cited art for the reasons given in the responses to the prior Office Actions and in this response.

In view of the remarks set forth above, applicant believes the application is in condition for allowance which action is respectfully requested. All dependent claims are allowable for at least the same reasons provided for the allowability of the independent claim from which they depend.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Charge any fee due with this paper to Deposit Account 50-1290.

Respectfully submitted,



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